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5 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**
7 **AT SEATTLE**

8 CHERYL KATER and SUZIE KELLY,
9 individually and on behalf of all others similarly
10 situated,

11 *Plaintiffs,*

12 *v.*

13 CHURCHILL DOWNS INCORPORATED, a
14 Kentucky corporation, and BIG FISH GAMES,
15 INC., a Washington corporation.

16 *Defendants.*

17 MANASA THIMMEGOWDA, individually and
18 on behalf of all others similarly situated,

19 *Plaintiffs,*

20 *v.*

21 BIG FISH GAMES, INC., a Washington
22 corporation; ARISTOCRAT TECHNOLOGIES
23 INC., a Nevada corporation; ARISTOCRAT
24 LEISURE LIMITED, an Australian corporation;
25 and CHURCHILL DOWNS INCORPORATED,
26 a Kentucky corporation,

27 *Defendants.*

No. 15-cv-00612-RSL

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

No. 19-cv-00199-RSL

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

1 SEAN WILSON, individually and on behalf of
2 all others similarly situated,

3 *Plaintiff,*

4 v.

5 PLAYTIKA LTD, an Israeli limited company,
6 and CAESARS INTERACTIVE
7 ENTERTAINMENT, LLC, a Delaware limited
8 liability company,

9 *Defendants.*

10 SEAN WILSON, individually and on behalf of
11 all others similarly situated,

12 *Plaintiff,*

13 v.

14 HUUUGE, INC., a Delaware corporation,

15 *Defendant.*

No. 18-cv-5277-RSL

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

No. 18-cv-05276-RSL

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

**STIPULATION AND ORDER RE:
FINAL CLAIMS DETERMINATIONS**

The Settlement Agreements in these cases confer upon the Settlement Administrators the authority to make final and binding decisions on challenges regarding the validity or amount of any particular claim, and—consistent with the Plans of Allocation—to calculate the final payable amount of all claims. *See, e.g.*, Settlement Agreement(s) ¶¶ 5.2-5.4. But given the scale, nature, and complexity of some individual class members’ claims, the Parties and the Settlement Administrators have agreed, subject to Court approval, to delegate that authority (the “Final Claims Determinations”) to the Honorable Layn R. Phillips (Fmr.) of Phillips ADR.

Provided the Court grants this motion, Judge Phillips has agreed to make the Final Claims Determinations. Because Judge Phillips already successfully mediated each of the settlements, he is the ideal candidate to fulfill the role. In addition, a member of Judge Phillips’ mediation staff has over twenty years’ experience in the class action space, including having previously served as a Vice President at a respected claims administrator that was headquartered in Seattle, Washington. Moreover, after consulting with Class Counsel, Judge Phillips has already agreed to implement a set of modest procedures, enumerated in the attached [Proposed] Order, to efficiently make all Final Claims Determinations. And while Judge Phillips and his staff will be reimbursed at their regular hourly rates by the Settlement Funds, Class Counsel do not anticipate that will materially impact class member recoveries, given that the Settlement Administrators will no longer need to make Final Claims Determinations (nor, in turn, will they be reimbursed by the Settlement Funds for doing so).

Consequently, the Parties respectfully request that the Court enter the below [Proposed] Order, approving of Judge Phillips’ role making Final Claims Determinations and ability to be fairly reimbursed by the Settlement Funds for fulfilling that role.

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1 DATED this 25th day of January, 2021.

2 Respectfully submitted,

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DATED: January 26, 2021

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ORDER

The Parties' stipulated motion is **GRANTED**. For each of the above-captioned cases, the Court orders the following:

1. The Honorable Layn R. Phillips (Fmr.) of Phillips ADR will make all Final Claims Determinations.
2. Specifically, Judge Phillips shall:
 - a. Determine and work with the Settlement Administrators to implement a process by which each claimant shall be informed of the Settlement Administrators' initial determination as to claimant's claim validity, Lifetime Spending Amount and, where applicable, Claim Type (*i.e.*, DRP or GLBA versus Non-DRP or GLBA), and that the claimant has the right within 21 calendar days of receipt of that notice to challenge that initial determination;
 - b. Determine and work with the Settlement Administrators, Class Counsel, and Defendants' counsel to implement a process by which any claimant shall be able to challenge the Settlement Administrators' initial determination as to claim validity (including any late claims), Lifetime Spending Amount and, where applicable, Claim Type;
 - c. Allow, as to any challenges to the Settlement Administrators' initial determination as to claim validity, amount, or type, the Settlement Administrators to first confer with the claimant to explain the determination in an effort to resolve the challenge;
 - d. With respect to any unresolved challenges, finally resolve any challenges to the Settlement Administrators' initial determinations as to claim validity, Lifetime Spending Amount, and Claim Type;
 - e. To the extent deemed appropriate and necessary by Judge Phillips, retain one or more claims administration consultants to review the Settlement Administrators' models and programming for accuracy and to suggest any necessary corrections which will, in the first instance be reviewed by Class Counsel, and then if any issues as to the models and programming remains, be recommended to Judge Phillips, who has the non-appealable final binding decision-making authority;
 - f. Finally determine the amount of each valid claim, consistent with the Plan of Allocation; and
 - g. Determine whether any portion of the Settlement Funds should be held back as Reserve Funds to address any unforeseen circumstances within the claims processes, and if so, work with the Settlement Administrators to implement the distribution of the Reserve Funds to approved claimants.

3. For the avoidance of doubt, Judge Phillips shall have no authority to increase the size of any Settlement Fund, to seek or order additional discovery from Defendants, nor to otherwise impact any Defendants' liability or other obligations under the Settlement Agreements.
4. Judge Phillips' regular hourly rates, as well as the regular hourly rates of any Phillips ADR staff Judge Phillips may choose to assist with the Final Claims Determinations, along with any authorized consultants retained as deemed appropriate in Judge Phillips' discretion, shall be paid from the Settlement Funds. Fees shall be billed to a particular Settlement and paid from that particular Settlement Fund.
5. Judge Phillips shall be provided, and shall treat as Confidential under the protective orders entered in these cases, any documents or information previously provided to or under the control of the Settlement Administrators.

IT IS SO ORDERED.

DATED this 26th day of January, 2021.


ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE